

New format changes
2 Day program allows
participants to enjoy all
aspects of the conference!

32nd ANNUAL MONTANA ARBITRATION & LABOR RELATIONS CONFERENCE “Labor Relations at a Crossroads— Can There Be Business As Usual?”

September 21st and 22nd, 2011
Holiday Inn, Great Falls, MT

400 10th Avenue South, Great Falls MT 59405, Phone: 1-800-257-1998 or (406) 727-7200

Program Agenda

Wednesday, September 21, 2011 (8:30 am - 5:00 pm)

- 7:30 -8:30 **Registration**
- 8:30-8:45 **Welcome & Opening**
- 8:45-10:00 **Labor Relations at a Crossroads
Can There be Business as Usual**
(Barb Wagner, Don Slaiman- National AFL-CIO,
Al Ekblad- Montana AFL-CIO, Jon Bennion, Montana
Chamber of Commerce)
- 10:00-10:15 **Break**
- 10:15-11:15 **Social Networking-The Pitfalls of
Technology in the Workplace**
(Andy Sever, Kris Goss-Montana School Board
Association)
- 11:15-12:15 **CONCURRENT SESSIONS**
- Session 1: Fundamentals of the Act
Public-BOPA
Panel: BOPA Rules & Processes**
(John Andrew & Members of the Board of Personnel
Appeals)
- Session 2: ARBITRATION:
The Contract Does Not Say That**
(Arbitrator Harry Graham, Jeff Weldon, Matt Thiel)
- 12:15-1:15 **Lunch (provided)**
- 1:15-2:15 **CONCURRENT SESSIONS**
- Session 1: Technology Is Not All Bad**
(Andy Sever)
- Session 2: ARBITRATION: Interest Arbitration**
(Arbitrator Harry Graham)
- 2:15-2:30 **Break**
- 2:30-3:30 **Stupid Decisions & Why to Avoid Them**
(Quint Nyman, Paula Stoll, Andy Sever, Tom Burgess)
- 3:30-3:45 **Break**
- 3:45-5:00 **Red Light/Green Light & Firing Line
Combined**
(Facilitator: Paul Melvin, Arbitrators: Harry Graham,
Larry Little, Dave Stiteler, Jerry Hetrick)
- 5:00 **Adjourn**
- 5:30 **No Host Bar and Hors d' Oeuvres**

Thursday, September 22, 2011 (8:00 am – 5:00 pm)

- 8:00-8:30 **NLRB Agency Updates & Trends**
(Adam Morrison-Senior Field Attorney)
- 8:30-9:00 **FMCS Agency Updates and Trends**
(Beth Schindler-Director of Mediation Services)
- 9:00-10:00 **Getting Along vs. Fighting
The Pros & Cons of Both**
(Dan Doogan, Steve Johnson, Andy Sever,
Clovie Dschaak-IBEW, Mark Johnson-Flathead
Electric, Tom Burgess)
- 10:00-10:15 **Break**
- 10:15-11:15 **CONCURRENT SESSIONS**
- Session 1: Dumb Management
A Union's Best Organizing Tool**
(Rick D'Hooge, Jim Stone)
- Session 2: ARBITRATION:
10 Myths of Labor Arbitration**
(Arbitrator Harry Graham)
- 11:15-12:15 **Mediation vs. Arbitration**
(FMCS, Arbitrators Larry Little & David Stiteler)
- 12:15-1:15 **Lunch (provided)**
- 1:15-2:15 **CONCURRENT SESSIONS**
- Session 1: Walk a Mile in My Shoes**
(Mike Dahlem, Dan Doogan)
- Session 2: ARBITRATION: Arbitrator Selection**
(Arbitrator Harry Graham)
- 2:15-2:30 **Break**
- 2:30-3:30 **CONCURRENT SESSIONS**
- Session 1: What's Discussed in the Bar**
(Rick D'Hooge, Stacey Bird, Jerry Rukavina)
- Session 2: ARBITRATION: Serious Offenses**
(Arbitrator Harry Graham)
- 3:30-3:45 **Break**
- 3:45-5:00 **MT Employment Law Developments**
(Karl Englund & Cindy Walker)
- 5:00 **Adjourn**

Fundamentals of the Act

Members of the Board of Personnel Appeals and Board staff will discuss basics of the collective bargaining act for the public employees. Included will be an overview of the law, types of cases handled by the Board, and Board processes including investigations, contested cases and the appellate role of the Board and its members.

The Contract Does Not Say That

How's and whys of contract interpretation based on real life examples brought to you by a skilled arbitrator in conjunction with experienced management and union negotiators. The discussion will also include the use of bargaining history, past contracts and other legal principles that every advocate should know.

Technology Is Not All Bad

While social networking has been shown to have serious ramifications in the workplace, the use of these tools and other advancements in computer technology also provides tremendous opportunities for labor relations practitioners. Teleconferencing and technologies such as Google Docs allow multiple users to participate in meetings and in live document creation. Social networking websites allow instant real-time communication and information sharing.

Stupid Decisions and Why to Avoid Them

Ever looked back at employment law related and labor relations decisions you made and realized it was not the brightest thing you ever did? Ever wonder if other made similar mistakes, either from a legal or practical standpoint? This panel discussion will center around ill founded decisions and how to avoid similar mistakes in the future. Practical approaches to avoiding common, and not so common, mistakes.

Red Light/Green Light and Firing Line Combined

A panel of experienced arbitrators will provide on-the-spot analysis of legally and factually entertaining cases relating to timely topics, with active audience participation adding to the program. Be ready...we want your vote!

NLRB Agency Updates and Trends

A representative from the National Labor Relations Board will comment on current and continuing trends in the field of labor relations and present case updates from the federal level.

FMCS Agency Updates and Trends

A representative from the Federal Mediation and Conciliation Service will comment on current and continuing trends in the field of labor relations and present updates from the federal level.

Getting Along Versus Fighting—The Pros and Cons of Both

Whether at the bargaining table or in the ongoing give and take of the workplace we are faced with decisions on whether to "go to war" or to face challenges in a more collaborative fashion. This panel will discuss real life situations and those instances where hard line bargaining and hard line positioning are the best approach and those situations where such an approach is not the best course.

Dumb Management—A Union's Best Organizing Tool

Why in the world do my employees want a union? This panel will discuss why and how unions get involved in the workplace—often because of something management did or didn't do. Discussion will also include legal ramifications of organizing campaigns.

Walk a Mile in My Shoes

Ever wonder why unions and management officials do some of the things they do? Ever hear of a situation where a union rep and management rep sat down and realized they had the same end goal, or were faced with similar challenges but different constituent groups? This panel will discuss why some things happen the way they do, and why it is important to understand the dynamics of the "other side" from a practical, real life perspective.

What's Discussed in the Bar

Either during the first day, after hours in social settings, or perhaps during day two, you and a colleague got together to brainstorm how to handle a legal question, a personnel issue, a contract interpretation question or other labor/employment law related concern. Or, maybe you discovered something new during the last two days and you need more information. Now is the time to share what you learned or address other issues of concern with a panel and the audience of professionals present for the conference.

MT Employment Law Developments

Always one of our most educational and entertaining sessions, Karl Englund and Cindy Walker will discuss changes and current labor relations issues in Montana.

Harry Graham Arbitrator

Mr. Harry Graham has been an arbitrator since 1972. His education includes B.A. Hunter College, CUNY (1962), M.A. Hunter College, CUNY, (1964) and Ph. D. from the University of Wisconsin (1967). His career has included being a professor of Industrial Relations at Cleveland State University. He currently serve on the following panels: USPS, NRCLA, FAA and Air Traffic Controllers and the State of Ohio and OSCEA/AFSCME.

Interest Arbitration

What makes interest arbitration different from grievance mediation? Is there additional criteria to use when selecting an interest arbitrator? What about case preparation and relevant exhibits and other evidence? Arbitrator Graham will address these and any other questions and/or observations about the fundamentals of interest arbitration.

10 Myths of Labor Arbitration

These phrases are so often used in labor arbitration that they have either become myths or truisms. The workplace is not a debating society and leniency is the prerogative of the employer have validity. But zero-tolerance, the 7 tests, and check your privacy at the door have undergone considerable criticism.

Arbitrator Selection

You have been assigned as the advocate on a grievance. Your preliminary case preparation is complete and there is no resolution possible between the parties. It is time to call for arbitration and request a list of qualified arbitrators. But who to call: AAA, FMCS, BOPA? Does the keeper of a list have unique procedures and/or requirements? What about fees? Are there other considerations that should be taken into account? This presentation will discuss the pros and cons of the selection process.

Serious Offenses

They are referred to as the cardinal offenses— theft, assault, and sabotage—but they should be more accurately described as: theft of a substantial amount, the unprovoked assault on a supervisor, and the intentional undermining of the employer's operation. A new presentation on the elements and pitfalls in each kind of case.

32nd Montana Arbitration and Labor Relations Conference Registration Form

Please register online at www.mtlaborrelationsconf.com or mail this form to
PO Box 201503, Helena MT 59620-1503, or fax to (406) 444-7071

Name: _____ Title: _____
Organization: _____ Labor / Management / Neutral (Please circle one)
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone No.: _____ E-mail Address: _____

Billing Arrangements (*Make checks payable to MAA*) Check enclosed ____ Pay at conference ____ Pay online ____

REGISTRATION FEE:

September 21-22, 2011	September 21, 2011	September 22, 2011
_____ \$250.00 (both days)	_____ \$140.00 (Wednesday only)	_____ \$140.00 (Thursday only)